

BEFORE THE
FEDERAL ELECTION COMMISSION

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COMMISSION
SECRETARIAT

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In the Matter of) MUR 4716
Dick Lane for Congress Committee, and)
Dick Lane, as Treasurer)

GENERAL COUNSEL'S REPORT

SENSITIVE

I. BACKGROUND

On February 3, 1998, the Federal Election Commission ("the Commission") found reason to believe that Dick Lane for Congress Committee ("Committee") and Dick Lane, as treasurer ("Respondents") violated 2 U.S.C. § 434(a)(2)(A)(i) and (iii) by failing to timely file their 1996 October Quarterly and 12 Day Pre-General Election Reports by Election Day, November 5, 1996. At the same time, the Commission offered to enter into pre-probable cause conciliation with the Respondents and approved an agreement

This Office subsequently sent a General Counsel's Brief ("GC Brief") to the Respondents on October 7, 1998. The Respondents' reply brief was received on October 26, 1998. Attachment 1. An analysis of the violations in this matter is contained in the GC Brief dated October 7, 1998. The factual and legal analysis set forth in the GC Brief is incorporated as if fully set forth herein.

II. ANALYSIS

In his Response to the GC Brief, Dick Lane, on behalf of Respondents, does not dispute that he failed to timely file their 1996 October Quarterly and 12 Day Pre-General Reports. Mr. Lane does, however, request that the Commission find "no probable cause and no reason for the General Counsel to continue the investigation." *Id.* at 2. In support of this request, Mr. Lane contends that

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the violations were inadvertent because he was overwhelmed with the responsibilities of running his own campaign office and being treasurer of his campaign committee. *Id.* at 1.

Mr. Lane also states, *inter alia*, that "[s]ince the receipts from July 1 to September 30, covered in the October 15 Report, totaled only \$8,125, and the receipts in the 12 Day Pre-General Report totaled \$2,270, for a grand total of \$10,395, I felt the public was not being denied the vital electoral information the Reports are designed to disclose." *Id.* As these arguments could at best mitigate the violations at issue in this matter, but do not support a finding of no probable cause to believe, this Office recommends that the Commission find probable cause to believe that Dick Lane for Congress Committee, and Dick Lane, as treasurer violated 2 U.S.C. § 434(a)(2)(A)(i) and (iii).

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

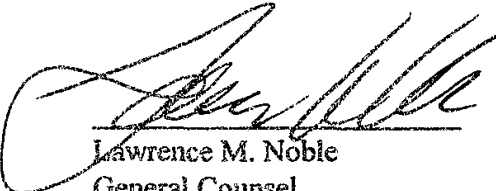
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IV. RECOMMENDATIONS

1. Find probable cause to believe that Dick Lane for Congress Committee, and Dick Lane, as treasurer violated 2 U.S.C. § 434(a)(2)(A)(i) and (iii) and approve the attached conciliation agreement.
2. Approve the appropriate letter.

11/17/99
DATE


Lawrence M. Noble
General Counsel

Attachments:

1. Respondents' Reply Brief dated October 23, 1998
2. Proposed Conciliation Agreement

Staff Assigned: Dominique Dillenseger
Cynthia M. Nixon

99-04-391-1010



FEDERAL ELECTION COMMISSION
Washington, DC 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/LISA R. DAVIS
COMMISSION SECRETARY

DATE: JANUARY 25, 1999

SUBJECT: MUR 4716 - General Counsel's Report
dated January 19, 1999.

The above-captioned document was circulated to the Commission
on Wednesday, January 20, 1999.

Objection(s) have been received from the Commissioner(s) as
indicated by the name(s) checked below:

Commissioner Elliott	—
Commissioner Mason	—
Commissioner McDonald	—
Commissioner Sandstrom	XXX
Commissioner Thomas	—
Commissioner Wold	—

This matter will be placed on the meeting agenda for
Tuesday, February 2, 1999.

Please notify us who will represent your Division before the Commission on this
matter.

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